

PUBLIC HEARING  
STATE OF CALIFORNIA  
STATE LANDS COMMISSION

CITY OF RICHMOND COUNCIL CHAMBERS  
1401 MARINA WAY SOUTH  
RICHMOND, CALIFORNIA

THURSDAY, MARCH 23, 2006  
4:00 AND 7:00 P.M.

KATHRYN S. KENYON, CSR  
CERTIFIED SHORTHAND REPORTER  
LICENSE NUMBER 13061

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

STAFF PRESENT

Ms. Valerie Van Way, Senior Staff Environmental Scientist

Ms. Nanci Smith, Public Land Management Specialist

Mr. Mark Meier, Staff Counsel

ALSO PRESENT

Mr. Martin McNair

Mr. John Rudolph, West Contra Costa Transportation  
Advisory Committee

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1 PROCEEDINGS

2 SENIOR STAFF ENVIRONMENTAL SCIENTIST VAN WAY:

3 It's now 4 o'clock and ordinarily we would open the  
4 hearing, but we'll wait a few minutes. We'll wait 10  
5 minutes.

6 (Thereupon a recess was taken in  
7 proceedings.)

8 SENIOR STAFF ENVIRONMENTAL SCIENTIST VAN WAY: The  
9 time now here is 4:10 and I would like to open the public  
10 meeting here.

11 Welcome to this meeting and thank you for your  
12 time and attending.

13 I'm Valerie Van Way with the California State  
14 Lands Commission, and I'm the project manager responsible  
15 for this environmental impact report we call the EIR for  
16 the Chevron Long Wharf Marine Terminal Lease  
17 Consideration.

18 There are other participants here, which are a  
19 part of this project today, and they are representing the  
20 State Lands Commission -- Mark Meier and Nanci Smith.

21 Also today from Chevron are Walt Gill, Don  
22 Kinkela, and others. Should I name them or --

23 Do you want to introduce yourself?

24 MR. AYERS: Mark Ayers.

25 MR. PRISACK: Camilla Priselac.

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1            SENIOR STAFF ENVIRONMENTAL SCIENTIST VAN WAY: As  
2 a side note, if you have specific questions, technical or  
3 historic or others about the wharf, that can be easily  
4 answered in person. Mr. Gill and other representatives  
5 from Chevron today may be able to help you directly, as  
6 not part of this hearing.

7            The purpose of this meeting is to inform you about  
8 this project -- which is the continued terminal operations  
9 at the Chevron Long Wharf; it's a petroleum transfer  
10 facility -- and to record your comments, verbal and/or  
11 written, about the adequacy of the draft environmental  
12 impact report -- which was circulated February 27th -- in  
13 addressing the potential environmental impacts that could  
14 result from continued operations of the wharf.

15           The purpose of this meeting is not to discuss your  
16 views on the project or debate issues, such as  
17 negotiations between the landowner and the applicant. And  
18 the purpose of this meeting is also not to record comments  
19 that relate solely to the upland refinery and its  
20 operations not on state land, nor is it within the scope  
21 of this draft environmental impact report.

22           Please, if you haven't already signed the sign-in  
23 sheet at the back table, do so to help us record your  
24 attendance at this meeting and show your level of interest  
25 for receiving future information about this project.

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1           For those that signed in today, and all of whom  
2 requested information about the date and time of the  
3 Commission's proposed action on the EIR and proposed  
4 lease, they will be alerted so that interested persons  
5 will have another opportunity to present, to the  
6 Commission, their comments on this proposed project.  
7 There are extra copies of the notice availability at the  
8 sign-in desk. And if you wish to comment today, please  
9 fill out the speaker card also on the back table and bring  
10 it to me. I will help the court -- It will help the court  
11 reporter for the record and help us respond better to your  
12 comments.

13           This process -- The State Lands Commission has  
14 jurisdiction over this site on which the Long Wharf stands  
15 and under California Environmental Quality Act, known as  
16 CEQA, has chosen to act as the lead agency in preparing an  
17 environmental impact report for this project.

18           State Lands contracted with Chambers Group through  
19 on open bid process to prepare this environmental impact  
20 report and will conduct the final analyses for this  
21 project. The Draft Environmental Impact Report analyzes  
22 for potentially significant impacts from the continuation  
23 of Long Wharf options and in preparation for consideration  
24 of a 30-year lease renewal.

25           State Lands circulated this document for public

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1 review on February 27th, 2006. There is a 45-day public  
2 review period and comment period, which will end on  
3 April 13th at 5:00 p.m. At this time all written comments  
4 must be received by State Lands at the address, 100 Howe  
5 Avenue, Suite 100, South Sacramento, 95725 or by e-mail to  
6 vanwayv@slc.ca.gov. This information about notice  
7 availability is at the desk out front. The final EIR may  
8 modify statements in response to your comments that you  
9 have commented or mailed, faxed, or e-mailed to us by the  
10 close of the comment period. The final EIR will address  
11 your comments received today, also, and other written  
12 comments received up until that time.

13           The final EIR will present all comments received  
14 during this period, and the State Lands will consider them  
15 in certificating the final report -- possibly in July or  
16 August of this year.

17           The Commission will consider approval of a lease  
18 to the applicant for the use of the Long Wharf occupying  
19 the state owned and submerged land under Commission  
20 jurisdiction.

21           All those signed in today and all who have  
22 requested information about the date and time of the  
23 Commission's proposed action on the EIR and proposed lease  
24 will be alerted so that interested persons will have the  
25 opportunity to present to the Commission their comments on

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1 the project.

2 I will briefly describe the project from the  
3 notice of availability of -- I will read it and then ask  
4 for people who have signed these comment slips to present  
5 their comments.

6 The proposed new lease, 30-year lease of 68 acres  
7 of California sovereign lands will allow Chevron U.S.A. to  
8 continue operating its marine terminal and provide  
9 transfers of petroleum products and crude oil between  
10 vessels and upland storage and petroleum refining nearby.  
11 The State Lands Commission is the lead agency under the  
12 California Environmental Quality Act and has prepared a  
13 draft environmental report for this action.

14 The level of federal environmental review required  
15 by the National Environmental Policy Act is not known at  
16 this time.

17 I would like to call for comments.

18 John Rudolph.

19 MR. RUDOLPH: Thank you. My name is John Rudolph.  
20 I work at WCCTAC, the West Contra Costa County  
21 Transportation Advisory Committee and the Regional  
22 Transportation Planning Agency for West Contra Costa  
23 County, which includes El Cerrito, San Pablo, Pinole,  
24 Richmond, and Hercules.

25 The West Contra Costa County Transportation

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1 Advisory Committee is in a position to call your attention  
2 to inconsistencies between the proposed action that is  
3 renewing the lease, on the one hand, and regional and  
4 municipal general plans, on the other.

5 Portions of the Bay Trail are currently closed  
6 because this project sits in the way of the Bay Trail.  
7 The Richmond General Plan, the Contra Costa Countywide  
8 Bicycle and Pedestrian Plan, the Association of Bay Area  
9 Governments San Francisco Bay Trail Plan, and the  
10 Metropolitan Transportation Commission Regional Bicycle  
11 Plan are all on point with respect to closing gaps in the  
12 Bay Trail.

**PH 1-1**

13 These plans call for a continuous trail. Renewing  
14 this lease would prevent these gaps in the Bay Trail  
15 located in the vicinity of this proposed project from  
16 being completed. The discontinuity in the Bay Trail would  
17 be inconsistent by renewing this lease and would be  
18 inconsistent with the local and regional plans.

19 That's all. Thank you.

20 SENIOR STAFF ENVIRONMENTAL SCIENTIST VAN WAY:

21 Thank you, Mr. Rudolph.

22 Martin McNair.

23 MR. MCNAIR: My name is Martin McNair, and I live  
24 at 411 Western Drive, fronting the Long Wharf, and I've  
25 lived there for 25 years.

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1           And I just got the complete -- Well, I guess I  
2       didn't get a disk, but I got to actually read a complete  
3       copy of the EIR, a few minutes ago.

4           But in the Executive Summary, I've got a number of  
5       comments, particularly a paragraph called "known areas of  
6       controversy or unresolved issues" says, "There are no  
7       known areas of controversy surrounding the proposed  
8       project, no objections to the proposed project or raised  
9       at the public scoping meetings, and no correspondence has  
10      been received challenging environmental effects."

11           I mean, I think that's just simply not true. I  
12      mean, I appeared at the scoping meeting, as you pointed  
13      out, many years ago, and I raised in there a number of  
14      other issues. So that's just a flat, not true statement.  
15      And when I read things like that, you know, you wonder  
16      about the credibility of the whole thing, which was pretty  
17      actually quite complete. And as I say, I am just getting  
18      into the complete report.

**PH 2-1**

19           The -- As you know, my concerns are noise. And I  
20      think that the comments about noise and the testing that  
21      was done with noise collection data was measured on windy  
22      days. And it talks about all you heard was the lapping of  
23      the waves, and I won't argue with that. When I can't  
24      sleep at night, which is probably a dozen times or maybe a  
25      score times during the year, even on those very still

**PH 2-2**

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1 nights when there is no wind on warm nights, when I would  
2 like to have the windows open and can't because there are  
3 ships out there, you know -- And I know what ships come  
4 because, as I said, I lived there for 25 years and I spent  
5 28 years in the Navy.

6 In fact, I used to work for Chevron, and I swim  
7 right along there, so it's not that I'm not familiar with  
8 it and the -- And it's some ships that are really old and  
9 got really bad pumps and you simply can't sleep.

10 When we used to have a system -- because I worked  
11 for Chevron and I knew I could call and I could pick up  
12 the phone, and it was 2200 and say, "Hey, do something  
13 about that pump," and they would come out there and, "Oh,  
14 yeah. You're right. That's terrible." And then they  
15 will call somebody and they'd tell the guy to shut the  
16 pump down and pumping. And that worked.

PH 2-2

17 When I tried that recently, you know, that system  
18 doesn't work any more. I think that most of the people  
19 along Western Drive and Ocean are not aware -- were not  
20 aware then and aren't aware now -- that there was somebody  
21 to call, and I certainly don't think that they are aware  
22 now. I mean, I would like to see everyone there on the  
23 waterfront be aware of the fact that if you can't sleep at  
24 night, there's something they can do about it.

25 And Chevron has traditionally been a terrific

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1 neighbor and responsive and good folks. They have helped  
2 us out in a variety of things over the years, less so  
3 recently because I think they are mad at the city. But  
4 that's a whole other issue, but I think, specifically,  
5 about that noise issue.

6 If we could return -- First of all, if everybody  
7 in the waterfront side, they were aware of the fact there  
8 is something we could do about it. And they are not. And  
9 secondly there, in fact, was something they could do about  
10 it that that phone -- and I'm sure there's somebody 24  
11 hours a day, you know, 365 days a year, that you could  
12 phone and say -- and then if we had a really old ship or  
13 really bad pump or a really noisy generator, do whatever  
14 you need to do during the daytime.

PH 2-2

15 Now, I realize that might be somewhat of an  
16 inconvenience, but I think Chevron knows as well as I do,  
17 probably, what ships are the culprits and create the  
18 problems. And they could schedule those ships to do their  
19 things in the daytime.

20 I made some other notes. It says here in Section  
21 4.7 in the Executive Summary, "Sensitive receptors are  
22 located along the Pt. Richmond shoreline, approximately 1  
23 mile away."

24 I don't think that's true anymore. And I'm quite  
25 certain that they don't trigger any alarm or anything that

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1 the noise level is too great. And as I mentioned before,  
2 the phone number to do something about that is not a way  
3 to distribute it.

4 Under Section 4.9, which is actually Visual  
5 Resource, you know, it talks about this being an  
6 industrial area. And what we've got to realize that in  
7 fact it's a residential area that we -- that Long Wharf  
8 and the refinery are our neighbors. They are right next  
9 door to us and -- this is under N1 -- it's located in an  
10 industrial area.

11 You know, I don't think my house is in an  
12 industrial area. And actually I have pictures of my house **PH 2-2**  
13 that predate the Long Wharf, so there's always that  
14 argument of, "Well, we are here first." And then, "You  
15 built your house here -- live with it." Well, there are  
16 some houses in part of Richmond that predated the Long  
17 Wharf or certainly predated ships with noisy generators.  
18 They were actually moving crude, by sail, actually up and  
19 down the coast in the '20s and '30s and teens and shortly  
20 after the refinery was built.

21 So, you know, this is not a 365-day problem for  
22 me. It's a dozen days. It's maybe score and it's on  
23 those warm still nights when one would, you know -- I can  
24 actually hear people talking on the Long Wharf. It's so  
25 calm and so quiet, I can hear conversations out there.

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1 So, you know, those are particularly sensitive times, and  
2 I'm sure something can be done that works for both the  
3 neighbors and Chevron.

4 Thank you.

5 SENIOR STAFF ENVIRONMENTAL SCIENTIST VAN WAY:

6 Thank you, Mr. McNair.

7 Is there anyone else who has signed a card or  
8 would like to speak?

9 If there isn't anyone right now, we'll close the  
10 meeting for now. We will reopen at 10 of 5:00, if anybody  
11 comes.

12 (Thereupon a recess was taken in  
13 proceedings.)

14 SENIOR STAFF ENVIRONMENTAL SCIENTIST VAN WAY:

15 It's 5 o'clock. And at this time there are no new people  
16 that have come to this meeting.

17 Since there doesn't seem to be anybody from the  
18 public at large, then we'll close that meeting and  
19 re-adjourn at 7:00 p.m.

20 (Thereupon the first public meeting was  
21 adjourned at 5:00 p.m.)

22 (Thereupon the second public meeting was  
23 called to order at 7:15 p.m.)

24 SENIOR STAFF ENVIRONMENTAL SCIENTIST VAN WAY:

25 Given it's 7:15, ordinarily we open the hearing as

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1 planned -- We open the hearing at 7:00, but we've waited a  
2 quarter hour, and as of yet, nobody has come to this  
3 hearing.

4 For those that are here, I thought that I would  
5 start or open the meeting, and I have opened it. But in  
6 as much as we don't appear to have anybody from the public  
7 at large, we'll close this public meeting and re-adjourn  
8 at 7:55 p.m.

9 (Thereupon a recess was taken in  
10 proceedings.)

11 SENIOR STAFF ENVIRONMENTAL SCIENTIST VAN WAY:

12 Good evening. It is almost 8 o'clock, and as of yet there  
13 have been no new people who have come to this meeting for  
14 the Chevron Draft Environmental Impact Report for Chevron  
15 Long Wharf Lease Consideration. And no comments have been  
16 presented or will be presented at this meeting.

17 So we will close the meeting now.

18 Thank you, State Lands people, for your  
19 participation in this evening's meeting.

20 (Thereupon the public meeting of the State  
21 Lands Commission was adjourned at 8:00 p.m.)

22

23

24

25

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## 1 CERTIFICATE OF REPORTER

2 I, KATHRYN S. KENYON, a Certified Shorthand Reporter  
3 of the State of California, do hereby certify:

4 That I am a disinterested person herein; that the  
5 foregoing Public Hearing of the California State Lands  
6 Commission was reported in shorthand by me, Kathryn S.  
7 Kenyon, a Certified Shorthand Reporter of the State of  
8 California, and thereafter transcribed into typewriting.

9 I further certify that I am not of counsel or  
10 attorney for any of the parties to said workshop nor in  
11 any way interested in the outcome of said workshop.

12 IN WITNESS WHEREOF, I have hereunto set my hand  
13 this 31st day of March, 2006.

14

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23 KATHRYN S. KENYON, CSR

24 Certified Shorthand Reporter

25 License No. 13061

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## **Responses to Public Hearing Comments**

### **Response to Public Hearing Comment #1**

PH 1-1

Please refer to responses to comments 3-1 through 3-15.

### **Response to Public Hearing Comment #2**

PH 2-1

The comments are of a general nature and do not address specific issues in the DEIR.

PH 2-2

The commenter is referred to Section 4.7, page 4.7-11, Noise, Impact N-1 that requires that noise measurements be obtained when an offensive ship is in operation. If noise then exceeds the local ordinance, Chevron is required to minimize or correct the problem.

Sensitive receptors are located approximately 1 mile away, given the length of the trestle and approach.

Also, Chevron made direct contact with the commenter, and encouraged him to call the Firehouse at 242-2070, if he wished to have staff from the Refinery come at any time of the day or night to investigate a noise or odor that he thought was coming from the Refinery.

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